



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS, ANTILLES OFFICE  
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REPLY TO  
ATTENTION OF

Antilles Regulatory Section

OCT 12 2001

## PUBLIC NOTICE

Minimum information necessary to begin processing requests for the verification of Jurisdiction Determinations (JDs) in Puerto Rico and the U.S. Virgin Islands

**TO WHOM IT MAY BE CONCERN:** The Jacksonville District, U.S. Army Corps of Engineers (Corps), is circulating this notice to provide guidance on the processing of requests for the verification of JDs in Puerto Rico and the U.S. Virgin Islands. To better serve the regulated public, guidance is being provided on the minimum information necessary to begin processing requests for the verification of JDs in Puerto Rico and the U.S. Virgin Islands. This guidance will help produce a uniform and consistent quality product and will facilitate the Corps review of JDs and provide time savings to all those involved.

### **BACKGROUND:**

The identification and location of wetlands regulated by the Corps under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act is physically performed through a process known as a JD. The method of performing a JD employs a multi parameter approach defined in Technical Report Y-87-1, Corps of Engineers Wetland Delineation Manual, dated January 1987. The JD process establishes a line (delineation) which separates and identifies the Corps regulated wetland areas from non-wetland (upland) areas which are not regulated by the Corps. The JD provides information to a landowner or investor for planning purposes or carrying out certain activities on a given parcel of land, and is essential in making an application for a permit from the Corps to discharge of dredged or fill in waters of the United States, or conduct work in navigable waters of the United States. In July 11, 1995, the Jacksonville District circulated a Public Notice to advise the public on changes on JDs and on June 17, 1997, the Jacksonville District circulated a Public Notice establishing the policy for the surveying of wetland delineations. On March 28, 2000, the Corps issued a final rule establishing an administrative appeal process for JDs.

The Antilles Regulatory Section receives a large number of requests for verification of JDs. Due to limited staff and resources, and increased workload, the response time of the Corps to act on verification requests can be several months or longer. In addition, the submittal of incomplete, inaccurate and /or poorly performed wetland delineations has resulted in additional time delays due to the Corps returning unsatisfactorily delineations, delineations needing extensive modifications by the Corps or the inability of the Corps to locate the wetland boundaries in the field.

In order to improve the quality and consistency of submitted wetland delineations and requests for verification, we are establishing guidance that provides the minimum information necessary to begin processing requests for the verification of JDs in Puerto Rico and the U.S. Virgin Islands. Requests that do not meet these requirements will be deemed incomplete and will receive a letter from the Corps with a short explanation of why it is incomplete. It is the responsibility of the requestor to correct all deficiencies. No action will be taken on incomplete requests for the verification of JDs.

PROCESSING OF REQUEST FOR VERIFICATION OF JDs IN PUERTO RICO AND THE U.S. VIRGIN ISLANDS:

1. Minimum information: All requests for verification of JDs performed by landowners and/or private consultants must be made in writing and, as a minimum must include the following information:

- a. Name, address and phone number of the current property owner(s) and authorized agent (if applicable).
- b. A description of the parcel (include development or other project name for reference).
- c. Permission for Corps personnel to enter the property. This authorization must be granted by the owner, or by his legal representative.
- d. An accurate location map or vicinity map including the exact location of the parcel. It should include concise directions on how to get to the property (include the nearest intersection of state roads (road kilometer), identifiable reference points, etc.)
- e. Plan, aerial photo, map or sketch showing the jurisdictional boundary line (wetland/upland boundary line as staked in the field). (Note: Mylars are no longer acceptable.) It must include rivers, streams, creeks and ditches. It must also include property lines or boundaries. Property boundaries must be clearly marked on site and on the plans. Flags in the field must be labeled with the corresponding number to sampling points on map. Flagging placed around trees should be labeled on the hanging portion of the ribbon as well as the ribbon tied around the trunk. These labels must remain in the field for verification. Flagging in the field should not be removed until the Corps has approved the JD. Plan aerial photo, map or sketch should be to scale. Plans should illustrate all potential "Waters of the United States". Include north arrow and reference points.
- f. Area of review if different from property boundary.

g. Name of waterway(s). If the stream, creek or ditch is unnamed, identify the receiving waters.

h. Latitude and longitude (Center of the Property).

i. Aerial Photograph(s). The photograph should be the latest available and must be as clear as possible. The scale of the photographs should be 1" equals 200'. If 1" to 200' scale photographs are not available, then 1" equals 400' will be acceptable. Mylars are no longer accepted.

j. Reference information (information from NWI maps, soil surveys, rainfall data, USGS, etc.).

k. Approximate total acreage of the site.

l. Data forms for upland and wetland side of various points along the boundary. Data forms should be complete and legible. Specify the location of the data collected. Provide a site map showing sampling points and transect (if applicable) locations. The data forms are a requirement of the 1987 manual. The current approved data form is 2-sided and has "Approved by HQUSACE 2/92" printed in the lower right corner of the reverse side. The number of data forms will vary with the complexity of the site, but should be sufficient to show how the line between the wetland/non-wetland interface was determined.

m. Note the general climatological condition of the site at the time (and previous) of the evaluation.

2. Requests that do not contain the above information will be deemed incomplete and will not be acted upon until the above information is provided to the Corps.

3. A field site visit may be scheduled after review of the information provided in the request. For large project or complex/difficult areas, several field visits may be required. Priority is given to delineations that are part of a pending permit application.

4. After the Corps has completed the verification process, the Corps may issue a Preliminary JD and/or an Approved JD.

a. Preliminary JDs are those JDs that provide the approximate location of the waters of the United States. Delineations drawn on an aerial photograph are usually considered preliminary JDs. This type of determination is appropriate for general information and planning purposes, but is usually not adequate for permit application purposes. Preliminary JDs are not appealable actions.

b. Approved JDs are those JDs that identify the limits of waters of the United States. A survey of a wetland delineation (See Public Notice dated June 17, 1997), or delineations drawn on photos or sketches that show reference points and dimensions can be use to obtain an approved JD. This type of the JD is necessary for permit applications. Approved JDs are appealable actions.

ADDITIONAL INFORMATION FOR THE PREPARATION OF WETLAND  
DELINEATIONS:

- 1) The delineation aerial photo, map or sketch must accurately identify the entire project area, the different wetland types present. Standard mapping conventions must be used (e.g., north arrow, location map, etc.) and it must be easy to correlate the map locations with ground features (e.g., buildings, fence lines, roads, right-of-ways, trees, streams, topographic features, etc.). Each map should have a reference block that identifies the project, the delineators, surveyors, date and date(s) of any revisions. All data points must be clearly and accurately identified on the delineation map. All numbers on data sheets must uniquely correlate with numbers on the map.
- 2) Additional information often can expedite a wetland verification. These include expanded narrative reports, related reports, additional photos such as ground photos, photos (ground and aerial) from various years. However, the Corps emphasizes that these reports should be succinct with only the relevant information presented. Irrelevant, verbose or perfunctory information will only delay the Corps' evaluation.
- 3) When characterizing soil, it will usually not necessary to go deeper than 12-16 inches. It will not be necessary to confirm whether the soil is the type mapped per the soil survey.
- 4) Provide a conclusion. There must be a final determination on whether the site is wetland or non-wetland. Any extenuating circumstances should be explained.

Any questions regarding this Public Notice should be address to Mr. Edwin E. Muñiz, Chief, Antilles Regulatory Section.

Thank you for your cooperation with the Corps Regulatory Program.

  
John R. Hall  
Chief, Regulatory Division